IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3572 OF 2007

Vilas Eknath Kadam ...Petitioner
vs.
Shobha Balaso Jadhav ...Respondent

Mr.V.B.Rajure for the Petitioner

CORAM: A.S.OKA, J.
DATE : SEPTEMBER 20,2007.

P.C.:

1. The attention of Shri Rajure appearing for the Petitioner invited to a recent decision of the Apex Court in the case of Yallwwa and others Vs. National Insurance Company Ltd. and others in Civil Appeal No.2674 of 2007 dated 16th May 2007. A Full Bench of this court in the case of Divisional Controller, Maharashtra State Road Transport Corporation Vs. Bapu Onkar Chaudhary [(2004) ACJ page 35) had taken a view that no Appeal is maintainable against an order passed under section 140 of the Motor Vehicles Act,1988. By the aforesaid decision of the Apex Court, it has been held that the view taken by the Full Bench of this Court is not correct and the order of the Tribunal awarding compensation under section 140 of the said Act of 1988 is an Award which is subject to an appeal under section 173 of the Motor Vehicles Act, 1988. In view of this decision, the learned counsel for the petitioner seeks permission to withdraw this petition with a liberty to prefer an appeal against the impugned order.

2. Accordingly, the Writ Petition is dismissed as withdrawn with liberty as prayed. Ad-interim relief granted by this court on 4th July 2007 will continue to operate for a period of six weeks from today to enable the petitioner to apply for appropriate relief in the Appeal.

3. All contentions of the parties on merits are kept open.

JUDGE